

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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RICHARD PETERSON,

PLAINTIFF,

VS.

TOWN OF CLAYTON, ALABAMA

DEFENDANT.

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DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CASE NO.: 2:06cv110-VPM

A TRIAL BY JURY
IS REQUESTED

COMPLAINT

I. INTRODUCTION

1. This is an action for declaratory judgment, equitable relief, and money damages, instituted to secure the protection of and to redress the deprivation of rights secured through the Civil Rights Act of 1866, as amended by Section 101 of the Civil Rights Act of 1991, and codified as 42 U.S.C. Section 1981, 42 U.S.C. Section 1983 and 42 U.S.C. 2000e, which provide for relief from racial discrimination in employment.

II. JURISDICTION

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 1331, 1343(4); 28 U.S.C. Sections 2201 and 2202.

3. The unlawful employment practices alleged herein below were committed by the Defendant within Barbour County, Alabama. Venue is proper under 28 U.S.C. Section 1391(b).

III. STATEMENT OF ALLEGATIONS

4. Plaintiff is a black male and resident of the Middle District of Alabama living in Bullock County and over the age of 19 years;
5. Plaintiff is a certified police officer and was assistant Chief of Police with the Defendant's Police Department until his termination in 2005;
6. Plaintiff worked a second job as did white officers;
7. Plaintiff requested that his shift hours accommodate his second job as was done for white officers;
8. Plaintiff was terminated on May 9, 2005 allegedly for tardiness and insubordination after he complained that the Defendant's conduct was motivated by race.

IV. CLAIMS FOR RELIEF

9. Plaintiff requests that the Defendant be ordered to permanently cease and desist from all race discrimination in employment for municipal jobs;
10. Plaintiff claims that the Defendant's conduct has caused him pain, humiliation, suffering and financial loss for which he seeks compensatory damages of \$2,000,000.00 (two million dollars);
13. Plaintiff seeks punitive damages of \$500,000.00 (five hundred thousand dollars) from this Defendant in that it knew or should have known that its actions were violations of long standing law and purposefully pursued this unlawful course.
14. Any and all other relief, including attorney's fees and costs to which he may be entitled.

Malcolm R. Newman, Attorney, P.C.

A handwritten signature in black ink that reads "Malcolm R. Newman". The signature is written in a cursive style with a horizontal line underneath the name.

Malcolm R. Newman (NEW017)

Attorney for Plaintiff

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